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AUG 8 1970

MEMORANDUM FOR: Secretaries of the Military Departments
Chairman of the Joint Chiefs of Staff
Director of Defense Research and Engineering
Assistant Secretaries of Defense
Assistants to the Secretary of Defense
Directors of Defense Agencies

SUBJECT: Interim Guidelines on Environmental Statements

1. Purpose. Pending the publication of a DoD Directive on the National Environmental Policy, this memorandum provides interim guidance with regard to the general policies and procedures required by Section 102(2)(C) of Public Law 91-190, the National Environmental Policy Act of 1969 (NEPA); Executive Order 11514; and the Interim Guidelines for Statements on Major Federal Actions Affecting the Environment published by the Council on Environmental Quality (CEQ). This memorandum will amplify these documents by (a) identifying actions requiring environmental statements; (b) clarifying procedures for obtaining the information and reviews required for their preparation; (c) designating officials responsible for the preparation, review and disposition of environmental statements; (d) insuring proper coordination of such actions, including consultation with appropriate Federal, State and local agencies; and (e) explaining requirements for providing timely public information on proposals for legislation and other major actions having potential significant adverse effects on the natural environment.

2. Background Information.

Section 101 of the NEPA has established the Federal policy on environmental quality. Section 102 of the NEPA directs that the policies, regulations and public laws of the United States will be interpreted and administered to the fullest extent possible in accordance with the NEPA. Section 102(2)(C) of the NEPA requires, among other things, that there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment a detailed five-point statement of the environmental impact of the intended action.

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The NEPA further directs that prior to submitting the final environmental statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise. Copies of such statements and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards will be made available to the President, the CEQ and the public, and will accompany the proposal through the existing agency review processes.

The CEQ has provided Interim Guidelines herewith attached to assist Federal departments, agencies and establishments to implement the NEPA.

3. Policy.

a. At the inception of a major action, including the preparation of recommendations on reports or proposals for legislation of primary concern to the Department of Defense, the Office of the Secretary of Defense, Military Departments, Organization of the Joint Chiefs of Staff, and Department of Defense Agencies (hereafter referred to as DoD components) shall make an assessment of the probable ecological and environmental impacts of that action.

b. In the continuation of an existing program which was initiated prior to the passage of the NEPA, DoD components will similarly assess the environmental impact of the proposed continuing action.

c. If these appraisals indicate that (1) a significant adverse environmental effect will result from a proposed action or a proposed legislation or (2) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this memorandum.

4. Actions Requiring Environmental Statements.

a. The necessity for submitting an environmental impact statement should be evaluated in accordance with the attached CEQ guidelines. If in the best judgment of the DoD component, the proposed action will cause important adverse changes in natural surroundings, including effects on man, wild life, plants, fish and marine life, or will result in substantial controversy, submission of an environmental statement is required. To assure that the requirements of the NEPA are met, DoD components will interpret broadly the scope of the term "significant adverse environmental effect."

b. Activities or actions of the following types, in particular, should be assessed carefully for the necessity of preparing an environmental statement:

- (1) Real estate acquisitions, outleases of land, and developments of new installations;
- (2) Construction at installations or major mission changes which will result in a significant impact on the surrounding communities or natural resources;
- (3) Initiation of the development of new weapon systems whose noncombat use may adversely affect the environment;
- (4) Programs for weapons testing;
- (5) Large scale training operations;
- (6) Programs for utilization of pesticides and herbicides;
- (7) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

c. Examples of some activities or actions which normally would not require submission of an environmental statement include the following:

- (1) Improvement projects for the abatement of air and water pollution;
- (2) Routine training operations;
- (3) Combat operations;
- (4) Transportation of munitions;
- (5) Activities or actions in foreign countries (However, the requirements of Section V, I of DoD Directive 5100.50 are to be complied with.);

d. Separate guidance will be issued regarding environmental protection requirements of contractors in their performance of contracts with the Department of Defense.

e. Projects or Programs Initiated Before January 1, 1970. Consistent with the above guidelines, an environmental statement shall be filed

on actions significantly affecting the quality of the environment even though the actions arise from projects or programs initiated prior to enactment of the NEPA on January 1, 1970. Where it is not practicable to reassess the basic course of action, further incremental major actions should take into account environmental consequences not fully evaluated at the outset of the project or program.

f. In cases where the DoD component has any doubt about the necessity of preparing an environmental statement for a particular proposed action, the Office of the Assistant Secretary of Defense (Health and Environment) (OASD(H&E)) should be consulted.

5. Preparation of an Environmental Statement. An environmental statement shall be prepared by the DoD component which is proposing the intended activity, is proposing the legislation, or is the principal agency concerned with the proposed legislation. The statement must include, the following information:

a. Predictions of the probable total impact of the proposed action on the environment. This shall include commentary on the direct impact on some part of the environment such as the clearing of forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing ecosystems. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

b. A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented. This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

c. A list of carefully developed alternatives to the proposed action that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

d. Exposition of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

e. An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented. This section should identify the extent to which the action curtails beneficial uses of the environment.

6. Processing Environmental Statement Originated by a DoD Component.

- a. Submission of Draft Statement to the OASD(H&E). The cognizant DoD component shall prepare a draft environmental statement in accordance with paragraph 5 above and submit 3 copies to the OASD(H&E). This submission will be accomplished prior to any formal review outside the DoD.
- b. Review of Draft Statement by the OASD(H&E). The OASD(H&E) shall review the draft statement and obtain comments from other appropriate elements of OSD. The OASD(H&E) shall then communicate with the originating DoD component, indicating concurrence or recommending changes.
- c. Submission of Draft Statement to the CEQ. Following receipt of the OASD(H&E) review and concurrence, the originating DoD component shall submit 10 copies of the draft or revised draft statement to the CEQ. A copy of revised draft statements shall be sent to the OASD(H&E).
- d. Review of Draft Statement by Other Federal Agencies. Immediately after submission of the draft statement to the CEQ, the originating DoD component shall solicit the views of other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action in accordance with paragraph 8 of the attached CEQ guidelines.
- e. Review of Draft Statement by State and Local Agencies. Concurrently with solicitation of the views of other Federal agencies, the originating DoD component shall solicit comments from State and local agencies when the environmental impact of a proposed action is pertinent to those agencies. A significant degree of public interest in the proposed action or similar previous actions would be one indication of the pertinence of the issue to State and local agencies. Also, the need for State or local authorizations to enforce environmental standards would necessitate solicitation of their remarks. Comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the Federal Register. The notice in the Federal Register may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.
- f. Submission of the Final Statement to the CEQ. After concluding the review process with other Federal, State and local agencies, 10 copies of the final environmental statement including 10 copies of all comments received shall be forwarded to the CEQ. When appropriate, a presentation of the problems and objections raised by other agencies in the review process and the disposition of those issues should be

included with the final environmental statement. Concurrently, a copy of the final submission will be provided to the OASD(H&E) by the originating DoD component.

7. Processing Environmental Statements Originated by Other Federal Agencies.

a. When a request for review and comment on an environmental statement prepared by another Federal agency is received by OASD(H&E), the following procedure shall be followed:

(1) The OASD(H&E) shall determine which DoD components or elements within DoD should review the environmental statement. This determination shall be based upon the nature of the environmental impact involved and the DoD expertise available.

(2) The appropriate DoD components or elements will be requested to review environmental statements and shall provide OASD(H&E) with comments.

(3) The OASD(H&E) shall prepare a consolidated review report or designate the DoD component or element with primary interest to prepare such a report. The consolidated review report shall be forwarded to the requesting Federal agency by the OASD(H&E).

b. Should a request for review and comment on an environmental statement from another Federal agency be received directly by a DoD component, these procedures shall be followed. If the DoD component:

(1) Concurs with or without comment - reply directly to the requester and provide the OASD(H&E) with an information copy;

(2) Nonconcur - send the proposed comments to the OASD(H&E).

c. If it is determined that more than one DoD component has been requested to review and comment on an environmental statement prepared by a Federal agency, the reply shall be forwarded through the OASD(H&E) for preparation of a consolidated response.

8. Processing of Legislative Actions. Pending definitive guidance from the Office of Management and Budget, the present methods for accomplishing coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in DoD legislative proposals and in comments prepared by DoD

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components on legislation prepared by other Federal agencies or
introduced by members of Congress and of primary concern to the DoD.

9. Availability of Environmental Impact Statements and Comments to Public. The DoD component which has prepared an environmental statement is responsible for making its statement and all comments pertinent to it available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

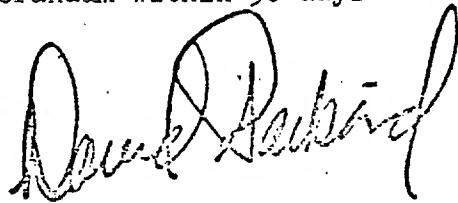
10. Implementing Actions. DoD components shall comply with the provisions of this memorandum and shall:

a. Designate an individual who will act as liaison with the OASD(H&E) with respect to environmental impact statements.

b. Identify new and continuing actions and advise the OASD(H&E) no later than 60 days from the date of this memorandum of all environmental statements pending preparation or submission.

c. Submit 2 copies of implementing instructions to OASD(H&E) within 60 days of date of this memorandum.

d. Provide OASD(H&E) with recommended changes in the policies and procedures delineated in this memorandum within 90 days of the date of this memorandum.



Attachment